

## **ZONING BOARD OF APPEALS**

### **MARCH 19, 2012 MEETING MINUTES**

**PRESENT:** Chairperson Ron Nolland, Kathy Latinville, Michelle Labounty  
Connie Fisher, Scott DeMane (Alt.), Karl Weiss (Alt.)

**ABSENT :** Maurica Gilbert

**ALSO PRESENT:** Joseph McMahon, Housing Code Inspector  
Betty Jock  
James Munger

Mr. Nolland called the meeting to order at 7:04 PM. The following items were scheduled for tonight's meeting.

<b>APPEAL</b>	<b>APPLICANT</b>	<b>REQUEST</b>
1905	RANDY DAME 45 BOYNTON AVENUE	CLASS B VARIANCE AMEND PREVIOUSLY APPROVED APPEAL
1924	BETTY JOCK 16 ELIZABETH STREET	CLASS B VARIANCE COVER EXISTING PORCH WITH ROOF
1925	JAMES MUNGER 39 DRAPER AVENUE	CLASS B VARIANCE TO CONSTRUCT AN ADDITION WITHIN REQUIRED SIDE YARD SETBACK

Mr. Nolland advised the Board was changing the order on which the above appeals were to be heard. They will take Appeal #1924 first, 1925 second and Appeal 1905 Randy Dame last.

There are 5 zoning board members available for voting tonight.

The **first** item on the agenda was Appeal 1924, Betty Jock, 16 Elizabeth Street for a Class B Variance.

This Appeal is a request to cover an existing porch with a roof. Ms. Jock bought the house 7 years ago.

The provision appealed is 270-10 Schedule of Area and Bulk Control. There are no previous appeals. The Area or Dimensional Variances were read into the record.

Mr. McMahon said the actual variance is the roof is extending into the front yard setback, which the requirement is 20'. It's going to be within 15'. The variance is a 5' deficiency over the width of the porch, which is 17'.

The front of the house is 21' from the street. It's required to be 20'.

Ms. Jock stated due to her disability, she needs the roof over the porch. The porch will not be enclosed.

This is an R-2 district.

The Short Form SEQR #10 needed to be revised.

No audience comments. Mr. Nolland then closed the Public Hearing portion of this appeal.

Ms. Fisher asked if a ramp would be built. Ms. Jock said no and advised the last 2 winters she has fallen and with her disability, she has a hard time to get the snow off her porch. A roof and railing will be built.

Ms. Jock said it will not be enclosed at the bottom. It will just have regular spindles.

**MOTION:**

**By Mrs. Labounty, seconded by Ms. Latinville**

**FOR APPEAL 1924, BETTY JOCK @ 16 ELIZABETH STREET, TO GRANT A  
CLASS B VARIANCE TO ALLOW A PORCH ROOF TO COVER OVER THE  
EXISTING PORCH, TO BE THE SIZE OF 6' X 17', ALLOWING IT TO BE 15' FROM  
THE PROPERTY LINE VS. THE 20' SET BY CODE**

**ALL IN FAVOR:                    5**

**OPPOSED:                    0**

**MOTION PASSED**

Mr. Nolland reminded her she needed plans and submit them to the Building Inspector's Office.

The **second** item on the agenda was Appeal 1925, 39 Draper Avenue for a Class B Variance.

This appeal was a request to construct an addition within required side yard setback.

Mr. Munger presented pictures from the inside of his home looking out their sliding glass door.

The provision appealed is 270-10 Schedule of Area and Bulk Controls.

Clinton County deemed this as a local issue. The reason this needed to go to Clinton County Planning Board is due to his home is right next to college.

He has owned this home for 12 years.

Mr. Nolland read the letter from Mr. Munger into the record and the Area or Dimensional Variances.

Mr. Nolland said the concern the board has is the deck is 6 inches from the property line. Mr. Munger advised the house is on the property line and is grandfathered in. Mr. Nolland disagreed. The way it looks is the deck extends out past the house and the house is a few feet from the property line. Mr. McMahon added it appears that the bay window is really close to the property line. Mr. Nolland reiterated the concern is he wants to enclose something 6 inches from the property line.

Mr. Munger advised this deck will all be enclosed by glass and plans on using that base flooring, as long as it passes inspection. It will not be heated.

Mr. Nolland further discussed the issue. [Meter 14:22 - ] This is very unusual for the Board, granting something so close to the property line. Mr. Munger said the plan is to increase the greenery.

Mrs. Labounty asked if the next door neighbors shed is right on the property line. Mr. McMahon explained the jury is out on these types of sheds – the portable one piece rubber maid kind, due to there is no foundation to them. Mr. Nolland said the neighbor is not shy about being very close to the property line. Mr. Munger added that is at the end of their driveway.

Since there were no comments from the audience, Mr. Nolland closed the public hearing portion of this appeal.

Mrs. Labounty's only concern was taking care of the snow and rain – so the water is contained on his property. Mr. Munger understood and agreed.

Mr. DeMane asked how far the roof would go. Mr. McMahon said typically, there is an overhang allowance. Mr. DeMane asked if this would be a sun room with a solar enclosure with not necessarily having a roof. Mr. Munger agreed. So there will be no gutter. Mr. Nolland advised the applicant will have to deal with the water that comes off of that. Maybe gravel. Mr. Munger agreed.

**MOTION:**

**By Ms. Latinville, seconded by Ms. Fisher**

**TO APPROVE APPEAL #1925, FOR JAMES MUNGER, AT 39 DRAPER AVENUE,  
FOR A CLASS B VARIANCE TO CONSTRUCT AN ADDITION WITHIN REQUIRED  
SIDE YARD SETBACK (for existing deck only),**

**AMENDED MOTION:**

**AND TO PROVIDE DRAINAGE SO IT DOES NOT GO ON NEIGHBORING  
PROPERTY**

**By Ms. Latinville, seconded by Ms. Fisher**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED**

Mr. Nolland advised what he is allowed to do is to cover the existing deck with a structure that is not heated.

The **last** item on the agenda was Appeal 1905, Randy Dame for a Class B Variance.

For the purpose of this meeting, the plan was titled, "Dame Site Plan, 2012, prepared for Randy Dame, Preliminary Site Plan, 41 & 45 Boynton Avenue, City of Plattsburgh, Clinton County, State of New York, Project 11022, Dated 3/16/2012, drawn by Robert M. Sutherland, PC, 11 MacDonough Street, Plattsburgh, NY 12901.

Mr. Weiss was representing the applicant at this meeting. Mr. Nolland requested a letter of authorization.

A different set of plans were provided at the pre-meeting, due to the situation changing. [Meter 25:11]

Mr. Nolland advised this was an amendment to a previous variance granted. Mr. Dame and his engineer came back in August and received a variance. He could have done it without a variance if he kept the Subway building tight to the property line, because in this district, the setback is allowed to be 0 or 12'. If he did it at 0, he would have not have needed part of the variance.

Since that time, the applicant filed for a new appeal, however, today, the Board received an altered plan because the property was changed due to purchasing of land. The building has been rotated to be parallel with Boynton Avenue, with entrances at the front and rear of building. The previous variance granted was for 16.31 feet. Mr. Weiss said the only difference is the building is longer. Mr. Nolland added they are now going to an average of 16.89 feet, rather than 16.31 feet.

Mr. Nolland explained the variance has been decreased on the Weed Street side. They are keeping the 6', which was for 60' before along the property line perpendicular to Boynton Avenue, has now become a 30' variance. (6' but for only 30' of the building that it encroaches).

Mr. Nolland continued stating they have the full 20' in the front which they didn't have before. Mr. Weiss said that was always along Boynton.

The building has gone from 1800 sq. ft. to 1500 sq. ft.

14.91 is the minimum and the average is 16.89. Mr. Weiss added the northwest corner of the building is 19.68.

Mr. Nolland closed the public hearing portion. [Meter 37:11]

Mrs. Labounty stated even though this is a B-1 district, there are still residences on the sides and this property should be properly screened along those parcels. Mr. Weiss said there will be more comments from the Planning Board on this issue.

Mr. Nolland added any approvals given tonight will be subject to Planning Board approval for the subdivision and site plan.

Mr. Weiss tried to give 12' from the other property to keep the building parallel to Boynton Ave. within the setback for Weed and Boynton and give 6 – 12' side yard along the Eastern property but that left the remaining parcel too small. It didn't meet the 5,000 sq. feet minimum for the lot size in this zone. The configuration as it is has just 5,009 sq. feet.

**MOTION:**

**By Mrs. Labounty, seconded by Mr. DeMane**

**FOR APPEAL 1905, RANDY DAME, AT 45 BOYNTON AVENUE, TO GRANT AN AMENDMENT TO THE CLASS B VARIANCE ORIGINALLY APPROVED IN AUGUST 2011, WITH THE PLAN SUBMITTED THIS EVENING. HOWEVER, EVERYTHING THAT IS GRANTED THIS EVENING IS SUBJECT TO PLANNING BOARD APPROVALS AT THE NEXT MEETING FOR THE SUBDIVISION MERGE OF THE PROPERTIES, WITH A 6' SIDEYARD ON THE EAST SIDE AND AN AVERAGE OF 16.89 ON THE WEST SIDE**

**ALL IN FAVOR:            5**

**OPPOSED:            0**

**MOTION PASSED**

**MOTION:**

**TO APPROVE THE FEBRUARY 21, 2012 MINUTES**

**By Ms. Latinville, seconded by Mr. Weiss**

**ALL IN FAVOR: 4**

**OPPOSED: 0**

**MOTION PASSED**

**Ms. Latinville asked about the truck pulling the LED sign around.**

**MOTION TO ADJOURN:**

**By Ms. Latinville, seconded by Mr. DeMane**

**ALL IN FAVOR**

**MOTION PASSED**

Meeting adjourned at 7:40 PM

For the purpose of this meeting, this meeting was recorded on the VIQ System. This is a true and accurate copy of the discussion.

Denise Nephew  
Secretary  
Zoning Board of Appeals